

A Letter to a Dissenter from his Friend at the HAGUE, Concerning the Penal Laws and the Test; shewing that the Popular Plea for Liberty of Conscience is not concerned in that Question. (41)

S I R,

I Suppose you are very busie about the Choice of *Parliament-Men*, and all hands are at work to Elect such Members as may comply with the great Design to Repeal the *Penal Laws*, and the *Test*. The *pretence* I confess is very plausible; for all Men are fond of *Liberty of Conscience*, vvhho dissent from the Established Religion; but you and I have liv'd long enough in the World to observe that the most pernicious Designs have been carried on, under the most plausible Pretences; and that is Reason enough to enquire vvwhether there be no danger of it now. I shall not say one vvord against *Liberty of Conscience*, nor for *Penal Laws* and *Tests*: Imagine the best things you possibly can of the one, and declame as much as you please against the other. For I do not see that either of them are concerned in the *present Dispute*; but only made use of to wheedle unthinking people, and to catch them with a very inviting Bait: and therefore before You engage too warmly in this Cause, I would offer some few things to your calm and deliberate Thoughts.

The great Pretence is *Liberty of Conscience*; and if this were the true state of the Case, the Dispute would be more doubtful and perplexed: for that is an Argument a Man may talk of without end, and it is not to be expected that Men who feel the want of Liberty, or taste the sweetness of it, should be persuaded by any Arguments to forgo it when it may be had. But now, if Liberty of Conscience may be had without the Repeal of the Test and Penal Laws; if it be apparent to Men who will open their eyes, that the true spring of all this zeal for Repealing the Test and Penal Laws is not Liberty of Conscience; if there be great danger that by consenting to this Repeal, vve shall forfeit both the *Liberty of our Consciences* and our *Civil Liberties* into the Bargain; then I presume You will readily grant that *Liberty of Conscience* as good a thing as it is, is no Reason for such a Repeal.

I. As for the first, it is a very plain case; For you enjoy Liberty of Conscience Now, and yet the Penal Laws and Test are not Repealed. What greater Liberty do you desire than you now have? What can the Repeal of the Penal Laws and Test do for you which the Kings Declaration hath

not done? You have his repeated Promises, his avow'd Principle that *Conscience is not to be forc'd*; and that no man ought to suffer meerly for his Religion; though the Penal Laws are not repealed, yet they are suspended; they are not executed either against Papists or Dissenters, and you have the security of the Kings Declaration for it.

If you say, that the King can quickly recall his Declaration, and reinforce the Penal Laws, if he find you obstinate against Repealing them; I Answer first, It is very dishonorable to imagine such a thing of the King, after such a Declaration as this, vvwhich he hath repeated the second time with all possible assurances of his Resolutions to stand to it: and that not as a meer Act of grace and favour, but as his own avowed Principle, that *Conscience ought not to be forced*. If you Reply that the King may very Honourably recal this *Liberty of Conscience*, vvhen you will not have it, but resolve to keep these persecuting Laws; I answer, Not, if it be against the Principles of his own Conscience to Persecute. Meer favours may be withdrawn vvhen they are lighted; but no man will violate his own Conscience, to be revenged of such ingratitude. And yet this is not the case: You do not slight the grace and favor of his Declaration, but gladly accept the Liberty he gives; and all the World sees that You use it too: but instead of Repealing these Penal Laws, You chuse to rely upon his Royal Word and Dispensing Power; vvwhich argues so great a Confidence in him, and attributes such Authority to him, that it cannot possibly displease him. This is a plain sign, that you think your selves secure in his Reign; and can you think the King will persecute you in his own Reign, because you are contented to trust his Successors too? which would be a very odd kind of passion for Liberty of Conscience?

To imagine the King should reinforce the Penal Laws upon your refusal to Repeal them, is to suspect that this great Zeal is not for Liberty of Conscience, but for the Repeal of the Penal Laws and Test; that is, that Liberty of Conscience is granted for the sake of Repealing the Penal Laws and Tests, not the Repeal of the Penal Laws and Tests, desired for the sake of Liberty of Conscience; and then who knows what will become of Liberty of Conscience, when the Penal Laws and

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Test are Repealed? If you suspect any such thing which never ought to be suspected of so *just* and *indulgent* a Prince, it is better to make the Experiment *before*, than *after* such a Repeal.

Suppose the King should *withdraw* his Declaration upon Your refusal to comply. Who would put the Laws in Execution against you? They must either be *Dissenters* or *Papists* or the *Church of England*: I presume you donot fear that you should execute the Laws against *Your selves*; and as for *Papists* it were worth trying whether they who are so obnoxious to the Laws themselves, would put them in Execution against *Dissenters*, especially after all their Clamors against them: and as for the *Church of England*, when they have been so reproached by *Papists* for Executing these Laws already, though more at the instance of the Court than from their own inclination, they will no longer be made the instruments of such executions, only to serve the turn of them that will reproach them: So that if the *Declaration* were recalled, You have a moral certainty that the *Penal Laws* cannot be Executed in this Kings reign, because there is no body to execute them.

As for the *Test*, You cannot pretend that Liberty of Conscience is concern'd in the Repeal of that. You may go to *Conventicles*, and the *Papists* may go to *Mass* without any disturbance though the *Test* be never repealed: and therefore the *only design* of repealing that must be to give a legal Qualification to *Papists* to possess all places of *Honour, Profit* and *Trust* in the Nation; that is, to put your Lives and Liberties into *their* hands; which I confess is a great Complement to a Roman Catholick Prince; but a Complement may sometimes be *overstrained*. And yet it is such a Complement as they *need not*. For we see they are qualified by the *Dispensing Power*, without the *Repeal* of the *Test*; which hath made me often wonder why they are so zealous to have it repealed. Do they still *question* the Kings *Dispensing Power*? And desire some *better security*? Let them say so then, and give up that point, and then we'll talk with them about repealing this *Test*: but there is no need of repealing this Law, since the King it seems hath *power* to dispense with it in his reign; and they are very sanguine men, if they hope to have any occasion for it in another! And if after all their boasts of a *Dispensing Power*, the Law still keeps them in avy, can it be the *interest* of *Protestants* to take off these restraints? Are they not *insolent* enough *already*, while these threatening *Laws* hang over their heads? Or do we hope that

their *modesty* and *good Nature* will increase with their *Power*? For my part I desire that all Men whom I fear may lie under a legal incapacity: for though their Force and Power may be the same, yet there is some difference, in point of *Authority* and *Self-defence*.

II. There are many things which would make a wise man suspect that there is some *farther Design* than *Liberty of Conscience* in all this zeal for repealing the Penal Laws and Test. For it would be very surprising to find a *Roman Catholick* Prince whose Conscience is directed by a *Jesuit*, to be really zealous for Liberty of Conscience; to see so many Popish pens employ'd in pleading for Liberty of Conscience, and declaiming against Sanguinary Laws, when all the world knows what Opinion the *Church of Rome* has about *Liberty of Conscience*, what great friends the *Jesuits* are to it; how they abhor persecuting men for their Religion: witness the mild and gentle usage of the *French Protestants* by a King whose Conscience is directed by a tender hearted *Jesuit*. And if a Princes zeal for *his Religion* be much greater than for *Liberty of Conscience*; it would make one suspect that his chief design is to serve *his Religion* by it; and this is no new invention, but as old as the days of the Apostate *Julian*, when the same method was taken to reinforce *Paganism* by Liberty of Conscience. This was the last effort of *dying Paganism*; may it be so of *Papery* too.

We know there was no talk of *Liberty of Conscience*, till the Nobility and Gentry of the *Church of England* refused to take off the *Test*: and then there was no other way left, but to *buy off* the *Penal Laws* and *Test* with *Liberty of Conscience*, which demonstrates that Liberty of Conscience is not the *last End*, but only a *Means* in order to some *further End*; and the *Means* is seldom valued when the *End* is obtained. Men who can offer so much violence to their own *Nature* and the Principles of their *Religion*, as to *grant* Liberty of Conscience which of all things they *hate*, to procure a Repeal of the *Test* and *Penal Laws*; when that is done, can easily find some occasion to pretend a *forfeiture* of this *Liberty*, and to save their Conscience and Honour together. *Penal Laws* to keep men from *damning* themselves will be thought more *merciful* than *Liberty of Conscience*; and the *softness* and *tenderness* of *Nature*, must give place to a *Bigotry* in Religion; and then we shall in *vain* wish for our old *Penal Laws* and *Test* again, when we feel the more terrible smart of *new ones*.

Though it be told us, that it hath *always* been his Majesties Persuasion that *Conscience ought not*

to be forced; I think that is no security; because though this has always been his Principle, yet it hath not always operated. VVe know whole hand was most concern'd both in making and executing Penal Laws in the last Reign; and if our Dissenters suffer'd so much then, as they now complain of, they know what they may suffer again, notwithstanding these Principles for Liberty of Conscience; for the same Principles obtain'd then, as do now. Upon the last withdrawing into Scotland, notwithstanding those Principles the poor Scotch felt the severity of those Penal Laws with a witness; and methinks it is not safe trusting to such Principles as so often act by way of Antipraxis, and produce Effects quite contrary to their own Natures: and however the Church of Rome may indulge such Principles now they are convenient to serve a present turn, if the Scene ever alter, this private Conscience will be thought as great Heresie as a private Judgment; and whosoever now may own it must then be guided by the publick Conscience of the Church, as well as by their Faith.

There are so many surprising Circumstances in this whole matter, as cannot but amaze a thinking Man: that so fierce a Zeal should be now kindled for a Liberty of Conscience, that a Liberty of Judgment will not be allowed, but vvho ever will not concur in this Opinion must undergo the high displeasure; vvhereas there can be no Liberty of Conscience without Liberty of Judgment: And to be mortally angry with every man who is not of my Opinion, is no good Preface to granting every man a Liberty to think and act, as he pleases.

If a Potentate should be so Zealous for Liberty of Conscience, as to change all his old Antipathies and Friendships, to receive his profess'd Enemies and Rebels into his bosom, and cast off his tried and experienced Friends; that he should forget all injuries and all kindnesses together, this would be such an effect of a great passion for Liberty of Conscience as was never known before: and vvhen Causes do not work naturally, vve suspect some preternatural ingredients mixed with them.

That a Zeal against the Test and Penal Laws, should be made a Test to the whole Nation; and that not vvithout severe Penalties too, viz. The forfeiture of our Princes favour, of all Places of Trust and Honour, and incapacity to serve in Parliaments if they can prevent it, or to be Members of any little Corporation.

That for the sake of Liberty of Conscience, the whole Clergy must be forced to Publish the De-

claration, though they declare it to be against their Consciences: That the Archbishop and six of his Suftragans must be sent to the Toyver, for Petitioning for their own Liberty of Conscience; and vvhether they must have gone next God knows, unless they had been rescu'd by an honest Jury: That all those vvho did not Read the Declaration are still threatned with Suspensions, and Deprivations: Archdeacons and Chancellors commanded to turn Informers, though almost all of them must inform against themselves for not reading, or not lending the Declaration: and all this while the Laws are on their side. It is like to be a very terrible Liberty of Conscience, when it is grown up into the Maturity and strength of a Law, which like another Hercules can strangle all Laws and Liberties in its Cradle. These things make me apt to suspect that the best way to preserve Liberty of Conscience is to keep the Test and Penal Laws.

III. For Thirdly, If there be any reason to suspect any other design than Liberty of Conscience, as suppose to promote Popery, and by degrees to make it the Established Religion of the Nation, (which certainly is the Design, unless you can imagine, that Priests and Jesuits, and One who hath given up his Understanding and Conscience to them, can ever be vvithout this Design,) You will easily be convinced that there is infinite hazard in repealing the Test and the Penal Laws.

This sets Papists upon an equal level with Protestants, and then the Favour of the Prince will set them above them: and vvhen the whole power of the Nation, and the whole administration of Justice is in Popish hands, there vvill need no Penal Laws to persecute Protestants. If you say this is done in a great many instances now before such a Repeal; I answer, then You may certainly guess what will be done when those incapacitating Laws are repealed: And yet the Difference is very great; For vvhile they are under such a legal Incapacity, the distrust of their power will make them more modest, which is the only thing that can plead their excuse hereafter; but vvhen they have legal authority, they will shew their Nature vvithout restraint. Men vvho have any thing to lose will act cautiously in prospect of an After-reckoning, or vvhile these legal incapacities continue will be afraid to act; but vvhen the Legal Authority and Power is in their hands, Protestant Subjects will quickly find what a Popish Liberty of Conscience means.

Vvwhile these Laws continue, some profess'd Protestants vvwhose Consciences are governed by their Interest are afraid to declare; and by these



means Popery wants hands and numbers to do its work : But when these Laws are removed, *hopes of preferment* will prevail on some, and *fear* on others ; and vvhen this frozen Adder begins to grovv vvarm, and recover its *blood and spirits*, it will find its *sting* too.

This would certainly overthrow the Constitution of the *Church of England*, vvhich is the most effectual vvay to let in *Popery* : For when all Incapacities are removed, Papists are as vvell qualified for *Church-Preferments* as Protestants, and it vvill be an easie matter to find pretences, to remove the best Men to make vvay for them.

We have four *Catholic Bishops* (as they vainly call themselves) already prepared to fill vacant Sees ; and if such Men have the impudence to publish their *Pastoral Letter*, and make their *public Visitations* while all the Lavvs against them are in force, judge vvhat they will do vvhen they are repealed. Thus our Parishes may be filled vvith *Roman Priests*, and they indeed are the fittest to serve under *Roman Bishops*. And if one *Colledge* be already seized into Popish hands, and the Protestant possessors turned out of their *Freehold* ; vvhen those Lavvs are Repealed, we may quickly see *more* follow them ; and judge vvether this be not a fair and easie step to Popery.

Nay, I have heard some good Lavvvers say, That vvhen the *Penal Laws* are repealed, *Popery* is the *Established Religion* of the Nation : That vvhen a *repealing Law* is repealed, the *repealed Law* revives : I am not so good a Lawyer as to judge of this, but I think it is vvorth your Considering.

But vvho knows, vvhen all the Ecclesiastical Laws are Repealed, vvhat the Kings Supremacy and his Ecclesiastical Commission may do ? There have been great and big vvords said of it of late ; and I believe You had better keep your *Penal Laws*, than fall under the lash of a *Popish Supremacy*.

I knowv there hath been a great talk of an *Equivalent*, but I vvould gladly know vvhat

that *Equivalent* should be. Shall it incapacitate all Papists for any Office either in Church or State ? That must not be, for fear of depriving the King of the *natural right* he has to the service of his Subjects ; and then I am sure there can be no *Equivalent* for the repeal of the incapacitating Laws.

But you say there shall be a *New Charter* for the *Church of England*, the *Protestant Religion* and *Liberty of Conscience*. Now shall this be with a Penalty or without one ? If with a penalty, then you do not repeal, but only *exchange* your Penal Laws ; and if Penal Laws are not such Unchristian things, but they may be allowed, we cannot have *better* for the security of our Religion than we have ; and therefore vve had best keep these. Is there any other fault in our Penal Laws, (especially when they are not executed) but that they are too great a security to the *Church of England*, and the *Protestant Interest* ? And if this be a reason for Protestants at this time to repeal them, I have done. But if this *new Establishment* be without a penalty, vvhat is it good for ?

When these Penal Lavvs are removed, Papists are qualified to sit in both Houses of Parliament : and vvho knows vvwhether *Closetting* and *Reforming* of Corporations, and such other Arts may not quickly make a *Popish Parliament* ? And then Good Night to Your *New Establishment* and *Liberty of Conscience*.

These things I hope Sir, You will consider in your Choice of Members for Parliament ; and not be cheated vvith the Popular cry of *Liberty of Conscience*, into the vilest and most despicable *Slavery* both of Soul and Body.

I am SIR,

Your very Cordial Friend,

and faithful Monitor.

Tot de Hague, gedrukt door Hans Verbraght, 1688.

